

Asbestos Compensation

Asbestos may be the most lethal substance ever widely used in the workplace. Between 1940 and 1980, more than 27.5 million workers in this country were exposed to asbestos on the job, and nearly 19 million of them had high levels of exposure over long periods. Hundreds of thousands of workers suffer from lung conditions that make breathing so difficult that they cannot engage in the routine activities of daily life. Even more have become unemployable due to their medical conditions.

Boilermakers in a variety of industries including construction, shipbuilding, manufacturing, cement and railroad are among the victims of asbestos exposure.

Whether installing or repairing boilers, pipe insulation in power plants or working in cement or shipbuilding facilities, thousands of Boilermaker members were put at risk.

The Boilermakers support an administrative payment system – such as proposed by Senators Specter and Leahy – that ensures fair, certain, and adequate compensation for all classes of asbestos victims. Any legislation that eliminates workers' constitutional right to a trial must require the defendants and insurers to contribute enough funding to cover all anticipated claims, particularly in the first five years.

Senators Specter and Leahy's proposed legislation, S. 852, is a good start, but some outstanding concerns remain. Unresolved issues include the treatment of pending claims and exigent claims during start-up, the proposed definition of "asbestos claims," and the treatment of victims suffering from exposure to both asbestos and silica.

Status:

The Specter/Leahy bill failed to overcome a Budget Point of Order on the Senate floor. Future consideration of this measure remains uncertain.

Boilermakers' Message to Senators:

- Support a fair asbestos bill that includes adequate claims values and funding to ensure that workers who have been wrongly injured receive a compensation award that reflects the pain they have suffered.
- Require the defendants and insurers to contribute enough funding to cover anticipated claims and maintain fund solvency.
- Oppose any so-called "medical criteria" legislation that restricts victim's access to justice and fails to eliminate exorbitant transactions costs associated with asbestos litigation.